

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

TRUSTEES OF THE CONSTRUCTION  
INDUSTRY AND LABORERS  
HEALTH AND WELFARE TRUST, et al.,

Plaintiffs,

vs.

DEMO & DOORS ENTERPRISES,

Defendant.

Case No. 2:12-cv-01542-GMN-CWH

**ORDER**

This matter is before the Court on Plaintiff's Motion for Judge Debtor Exam (#5), filed October 31, 2013. Having secured a consent judgment in its favor for \$179,984.00, Plaintiffs request an order requiring Defendant Demo & Doors Enterprises to: (1) designate a person most knowledgeable to appear and be examined under oath regarding all Demo & Doors Enterprises property and assets, and (2) produce several categories of documents to Plaintiffs' counsel one (1) week prior to the examination.

Federal Rule of Civil Procedure 69 provides that the procedure regarding "proceedings supplementary and in aid of judgment or execution—must accord with the procedure of the state where the court is located." *See* Fed. R. Civ. P. 69(a)(1). Rule 69 further provides that "[i]n aid of judgment or execution, the judgment creditor or a successor in interest whose interest appears of record may obtain discovery from any person—including the judgment debtor—as provided in these rules or by the procedure of the state where the court is located." Fed. R. Civ. P. 69(a)(2). The scope of post-judgment discovery is broad and the judgment-creditor is permitted to make a broad inquiry to discover any hidden or concealed assets of a judgment-debtor. *1<sup>st</sup> Technology, LLC v. Rational Enterprises, LTDA*, 2007 WL 5596692 \*4 (D. Nev.) (citation omitted). Rule 69 permits a judgment creditor to obtain post-judgment discovery pursuant to the procedures set forth in the

1 Federal Rules of Civil Procedure or pursuant to state law. *Id.* Under Nevada law:

2 A judgment creditor, at any time after the judgment is entered, is entitled to an  
3 order from the court requiring the judgment debtor to appear and answer upon  
4 oath or affirmation concerning his or her property, before:

4 (a) The judge or a master appointed by the judge; or

5 (b) An attorney representing the judgment creditor,

6 at a time and place specified in the order. No judgment debtor may be required to  
7 appear outside the county in which the judgment debtor resides.

8 *See* Nevada Revised Statutes (“NRS”) 21.270(1).

9 The Court agrees that the requested judgment-debtor exam is authorized under the  
10 aforementioned law. The undersigned expresses no view regarding the several categories of  
11 documents Plaintiff requests that the Judgment Debtor bring to the examination, except to say that  
12 such requests must conform to the Federal Rules or “the procedure of the state where the court is  
13 located.” Fed. R. Civ. P. 69(a)(2); *see also Alcalde v. NAC Real Estate Investments &*  
14 *Assignments, Inc.*, 580 F. Supp. 2d 969, 971 (C.D. Cal. 2008) (“The judgment creditor may also  
15 propound discovery to the judgment debtor, including requests for production and/or inspection of  
16 documents.”).

17 Based on the foregoing and good cause appearing therefore,

18 **IT IS HEREBY ORDERED** that Plaintiff’s Motion for Judge Debtor Exam (#5) is  
19 **granted.**


20 **IT IS FURTHER ORDERED** that Judgment Debtor/Defendant Demo & Doors  
21 Enterprises shall produce a person most knowledgeable to appear and be examined on **December**  
22 **18, 2013 at 1:30 PM** at the office of Brownstein Hyatt Farber Schreck, LLP, 100 North City  
23 Parkway, Suite 1600, Las Vegas, Nevada 89106, to then and there answer questions under oath  
24 regarding Demo & Doors Enterprises assets and means of paying the judgment in this matter and  
25 for such other proceedings as there may occur consistent with proceedings supplementary to  
26 execution.

27 **IT IS FURTHER ORDERED** that Judgment Debtor/Defendant Demo & Doors  
28 Enterprises shall refrain from effectuating any transfer of or interference with any of its property

1 that is not exempt from execution.

2 **IT IS FURTHER ORDERED** that a copy of this order shall be personally served upon the  
3 Judgment Debtor at least **fourteen (14)** calendar days before the hearing scheduled herein and  
4 proof of service filed with the Court. Failure to appear may subject the Judgment Debtor to  
5 sanctions for contempt of court.

6 DATED this 5th day of November, 2013.

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9 **C.W. Hoffman, Jr.**  
10 **United States Magistrate Judge**  
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